Amendments to the Claims:

Amend the claims as set forth in the following listing of claims.

This listing of claims shall replace all prior versions, and listings, of claims in the application.

Listing of Claims

Claims 1-22 (Canceled)

23. (Currently amended) A method of gathering identification data from an identification tag or label associated with an item, comprising the steps of

acquiring first item identification data by reading a tag or label with a data reader;

providing a plurality of delay times of different durations;

the data reader actively selecting a delay time, out of the plurality of delay times, based upon a given criteria acquired during operation while gathering identification data;

starting a timer set to expire after expiration of the delay time selected;

reporting the first item identification data to a host;

acquiring second item identification data by reading a tag or label;

if the second item identification data is the same as the first item identification data and if the timer has not expired, not reporting the second item identification data to the host.

24. (Previously presented) A method according to Claim 23 further comprising

if the second item identification data is not the same as the first item identification data or if the timer has expired, reporting the second item identification data to the host.

25. (Previously presented) A method according to Claim 24 further comprising

if the second item identification data is reported to host, restarting the timer.

26. (Previously presented) A method according to Claim 23 further comprising

if the timer has expired, reporting the second item identification data to the host.

27. (Currently amended) A method ~~according to Claim 23~~of gathering identification data from an identification tag or label associated with an item, comprising the steps of

acquiring first item identification data by reading a tag or label with a data reader;

providing a plurality of delay times of different durations;

the data reader selecting a delay time, out of the plurality of delay times, based upon a given criteria;

starting a timer set to expire after expiration of the delay time selected;

reporting the first item identification data to a host;

acquiring second item identification data by reading a tag or label;

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if the second item identification data is the same as the
first item identification data and if the timer has not expired,
not reporting the second item identification data to the host,

wherein the step of selecting a delay time based upon a
given criteria comprises determining whether the item is
weighable or non-weighable.

28.   (Currently amended)   A method ~~according to Claim 23~~of
gathering identification data from an identification tag or
label associated with an item, comprising the steps of
acquiring first item identification data by reading a tag
or label with a data reader;
providing a plurality of delay times of different
durations;
the data reader selecting a delay time, out of the
plurality of delay times, based upon a given criteria;
starting a timer set to expire after expiration of the
delay time selected;
reporting the first item identification data to a host;
acquiring second item identification data by reading a tag
or label;
if the second item identification data is the same as the
first item identification data and if the timer has not expired,
not reporting the second item identification data to the host,

wherein the step of selecting a delay time based upon a
given criteria comprises determining a type of tag or label
being read.

29.   (Currently amended)   A method ~~according to Claim 23~~of gathering identification data from an identification tag or label associated with an item, comprising the steps of

acquiring first item identification data by reading a tag or label with a data reader;

providing a plurality of delay times of different durations;

the data reader selecting a delay time, out of the plurality of delay times, based upon a given criteria;

starting a timer set to expire after expiration of the delay time selected;

reporting the first item identification data to a host;

acquiring second item identification data by reading a tag or label;

if the second item identification data is the same as the first item identification data and if the timer has not expired, not reporting the second item identification data to the host,

wherein the step of selecting a delay time based upon a given criteria comprises determining a class of item being read.

30.   (Currently amended)   A method ~~according to Claim 23~~of gathering identification data from an identification tag or label associated with an item, comprising the steps of

acquiring first item identification data by reading a tag or label with a data reader;

providing a plurality of delay times of different durations;

the data reader selecting a delay time, out of the plurality of delay times, based upon a given criteria;

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starting a timer set to expire after expiration of the
delay time selected;

reporting the first item identification data to a host;

acquiring second item identification data by reading a tag
or label;

if the second item identification data is the same as the
first item identification data and if the timer has not expired,
not reporting the second item identification data to the host,

wherein the step of selecting a delay time based upon a
given criteria comprises determining if the item being read is a
produce item and selecting a longer delay time if the item is
determined to be a produce item.

31. (Currently amended) A method of reading an
identification label or tag associated with an item, comprising
the steps of

obtaining item identification data by reading label or tag
with a data reader;

reporting the item identification data to a host;

activating a timer set to expire after expiration of a
delay time;

resetting the timer upon a subsequent reading of a tag or
label;

preventing reporting of a subsequent reading of a label or
tag of the same item identification data unless the timer has
expired;

the data reader switching between operating in a selected
one of first and second operating modes based upon a given
criteria acquired while gathering identification data wherein

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the delay time in the first operating mode is longer than the delay time in the second operating mode.

32.   (Currently amended)   A method ~~according to Claim 31 further~~of reading an identification label or tag associated with an item, comprising the steps of

obtaining item identification data by reading label or tag with a data reader;

reporting the item identification data to a host;

activating a timer set to expire after expiration of a delay time;

resetting the timer upon a subsequent reading of a tag or label;

preventing reporting of a subsequent reading of a label or tag of the same item identification data unless the timer has expired;

operating in a selected one of first and second operating modes wherein the delay time in the first operating mode is longer than the delay time in the second operating mode;

determining if the item being read is a produce item and selecting a longer delay time if the item is determined to be a produce item.

33.   (Currently amended)   A method ~~according to Claim 31 further~~of reading an identification label or tag associated with an item, comprising the steps of

obtaining item identification data by reading label or tag with a data reader;

reporting the item identification data to a host;

activating a timer set to expire after expiration of a delay time;

resetting the timer upon a subsequent reading of a tag or label;

preventing reporting of a subsequent reading of a label or tag of the same item identification data unless the timer has expired;

operating in a selected one of first and second operating modes wherein the delay time in the first operating mode is longer than the delay time in the second operating mode;

determining if the item being read is an item sold by weight needing to be weighed and selecting a longer delay time if the item is determined to be such an item.

34. (Previously presented) A system for reading an identification label or tag associated with an item, comprising

a data reader for acquiring item identification data from the label or tag;

a system processor in the data reader for determining a type of tag or label;

a timer in communication with the system processor for preventing reporting of subsequent reading of a label or tag that occurs before the timer expires, the timer being settable by the system processor for different expiration times based on an aspect of the item identification data acquired.

35. (New) A method according to Claim 23 wherein the step of selecting a delay time based upon a given criteria comprises determining whether the item is weighable or non-weighable.

36. (New) A method according to Claim 23 wherein the step of selecting a delay time based upon a given criteria comprises determining a type of tag or label being read.

37. (New) A method according to Claim 23 wherein the step of selecting a delay time based upon a given criteria comprises determining a class or type of item being read.

38. (New) A method according to Claim 23 wherein the step of selecting a delay time based upon a given criteria comprises determining if the item being read is a produce item and selecting a longer delay time if the item is determined to be a produce item.

39. (New) A method according to Claim 23 wherein the step of selecting a delay time based upon a given criteria comprises determining relative frequency of pieces of complete code data received by the data reader.

40. (New) A method according to Claim 31 wherein the step of switching between modes based upon a given criteria comprises determining whether the item is weighable or non-weighable.

41. (New) A method according to Claim 31 wherein the step of switching between modes based upon a given criteria comprises determining a type of tag or label being read.

42. (New) A method according to Claim 31 wherein the step of switching between modes based upon a given criteria comprises determining a class or type of item being read.

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43. (New)   A method according to Claim 31 wherein the step of switching between modes based upon a given criteria comprises determining if the item being read is a produce item and operating in the first mode if the item is determined to be a produce item.

44. (New)   A method according to Claim 31 wherein the data reader comprises an optical code reader.

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